

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING )  
PHARMACY, INC. PRODUCTS LIABILITY )  
LITIGATION )

MDL No. 2419

Dkt. No 1:13-md-2419 (RZW)

THIS DOCUMENT RELATES TO: )

All Cases )

**The Tennessee Defendants’**  
**Motion for Extension of Time to Respond to**  
**the PSC’s Motion for Entry of ESI and Deposition Protocols**

Saint Thomas Outpatient Neurosurgical Center, LLC; Howell Allen Clinic, a Professional Corporation; John W. Culclasure, MD; Debra V. Schamberg, RN; Specialty Surgery Center, Crossville, PLLC; Kenneth R. Lister, MD; and Kenneth Lister, MD, PC (collectively “the Tennessee Defendants”), with the assent of the Plaintiffs’ Steering Committee (“PSC”), move for an extension of time to February 28, 2014, to file their response to the PSC’s Motion for Entry of Deposition and ESI Protocols [Dkt. 876].

In support of their Motion, the Tennessee Defendants state as follows:

1. The PSC and the Defendants are in the process of narrowing the areas of disagreement regarding the ESI and deposition protocols. The most recent meet and confer occurred on February 25, 2014.

2. The parties intend to exchange at least one more round of drafts of the ESI and deposition protocols prior to February 28, 2014, in the hopes of agreeing on joint protocols.

3. This brief extension will allow the Tennessee Defendants’ response to better address the actual areas of disagreement between the parties’ proposals.

4. The PSC assents to this brief extension.

5. The PSC assented to identical extensions for the Saint Thomas Entities<sup>1</sup> and UniFirst<sup>2</sup>, who are also participating in the meet and confer process with the PSC and the Tennessee Defendants.

For the foregoing reasons, the Tennessee Defendants respectfully request, with the assent of the PSC, that the Court extend the deadline for responding to the PSC's Motion for Entry of ESI and Deposition Protocols [Dkt. 876] to February 28, 2014.

Respectfully submitted,

**GIDEON, COOPER & ESSARY, PLC**

/s/ Chris J. Tardio

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<sup>1</sup> [Dkt. 947].

<sup>2</sup> [Dkt. 950].

<sup>3</sup> Admitted pursuant to MDL Order No. 1.

<sup>4</sup> Admitted *pro hac vice*.

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing and copies will be e-mailed or mailed via regular U.S. mail to those participants identified as unregistered this 26th day of February, 2014.

/s/ Chris J. Tardio  
**Chris J. Tardio**